IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 993/1998

AMAR SINGH Vs. STATE OF RAJASTHAN & ORS.

Date: 13.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahendra Shah for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

****

Brief facts of the case are that the petitioner was appointed on the post of Teacher Grade-III w.e.f. 02.11.74 and was confirmed on the post w.e.f. 01.04.75. The petitioner was further promoted on the post of Teacher Grade-II w.e.f. 02.11.80 and was also confirmed on the post w.e.f. 01.07.82. The name of the petitioner was not incorporated in the seniority list of Teacher Grade-II and on the representation submitted by the petitioner, his name came to be incorporated at No. 4625 A II vide order dated 23.05.96 in the seniority list pertaining to the year 1976 to 1981. The controversy arose when after adding the name of the petitioner in the seniority list, the petitioner has not been considered for promotion on the post of Lecturer (Sanskrit), as the respondents committed error not to incorporate the name of the petitioner in the seniority list and it is the mistake which is committed

by the respondents and rectified after representation so submitted by the petitioner. Thus, it is a fit case for holding review DPC for consideration of the name of the petitioner against the quota of 1983-84 instead of 1996-97 after assigning the proper seniority in the list.

Learned counsel for the petitioner referred the procedure for holding meetings of Departmental Promotion Committees for promotion in various services in which ***11-B deals with Review of recommendation of DPC***- The Government or the Appointing Authority may order for the review of the proceedings of the D.P.C. held earlier on account of some mistake or error apparent on the face of record, or on account of factual error substantially affecting the decision of the D.P.C. or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgment/direction of any Court or Tribunal or where adverse entries in the confidential reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. Review D.P.C. is to be held by the Government or by the Appointing Authority.

In support of his submissions, the learned counsel for the petitioner has placed reliance on the

judgment rendered by this Court in ***S.B. Civil Writ Petition No. 3138/1993- Hajari Lal Vs. State of Rajasthan And Ors., decided on 11.07.2006,*** wherein this Court has directed to hold review DPC for consideration of the case of the petitioner for further promotion.

On the other hand, learned counsel for the respondent State submits that even the review DPC is held, the petitioner is not eligible to be given promotion on the post of Lecturer (Sanskrit).

Be that as it may, the petitioner has every right of consideration. It is for the State or for the Appointing Authority to consider the case of the petitioner after holding review DPC whether he is eligible to be given the benefit of promotion on the post of Lecturer (Sanskrit) against the quota of year 1983-84.

Thus, in view of the ratio decided by this Court in the case of ***Hajari Lal (supra)*** and the Hon'ble Supreme Court, the respondents are directed to consider the case of the petitioner against the quota of year 1983-84 for promotion on the post of Lecturer (Sanskrit).

The writ petition stands allowed.

(K.S. RATHORE),J.

/KKC/